

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TANICKA JONES, *on behalf of E.D.,  
a minor,*

Plaintiff,

v.

KILOLO KIJAKAZI,  
*Acting Commissioner of Social  
Security,*

Defendant.

No. 1:21-CV-02133

(Chief Judge Brann)

(Magistrate Judge Carlson)

**ORDER**

**DECEMBER 13, 2022**

Tanicka Jones filed this action on behalf of her minor daughter, E.D., seeking review of a decision by the Acting Commissioner of Social Security (“Commissioner”) denying E.D.’s claim for supplemental security income.<sup>1</sup> On November 8, 2022, Magistrate Judge Martin C. Carlson issued a Report and Recommendation recommending that this Court affirm the Commissioner’s decision and close this case.<sup>2</sup> No timely objections were filed to this Report and Recommendation.

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<sup>1</sup> Docs. 1, 17.

<sup>2</sup> Doc. 22.

Where no objection is made to a report and recommendation, this Court will review the recommendation only for clear error.<sup>3</sup> Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the findings or recommendations made by the magistrate judge.<sup>4</sup> Upon review of the record, the Court finds no clear error in Magistrate Judge Carlson’s conclusion that the Commissioner’s decision is supported by substantial evidence, and that any separation of powers issue does not warrant remand of this matter. Consequently, **IT IS HEREBY ORDERED** that:

1. Magistrate Judge Martin C. Carlson’s Report and Recommendation (Doc. 22) is **ADOPTED**;
2. The Commissioner’s decision is **AFFIRMED**;
3. Final Judgment is entered in favor of Defendant and against Jones pursuant to Fed. R. Civ. P. 58 and sentence four of 42 U.S.C. § 405(g);  
and
4. The Clerk of Court is directed to **CLOSE** this case.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge

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<sup>3</sup> Fed. R. Civ. P. 72(b), advisory committee notes; *see Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining that court should in some manner review recommendations regardless of whether objections were filed).

<sup>4</sup> 28 U.S.C. § 636(b)(1); Local Rule 72.31.